REMARKS

This patent application was filed on 12 March 2001 with sixteen claims. In the first Examiner's Office Action mailed 26 August 2004, the Examiner rejected claims 1-7, 9-11, 14-16 as being unpatentable under 35 U.S.C. §102(b) over U.S. Patent 5,790,074 entitled *AUTOMATED LOCATION VERIFICATION AND AUTHORIZED SYSTEM FOR ELECTRONIC DEVICES* to Rangedahl et al. (Rangedahl '074). The Examiner further rejected claim 8, 12-13 under 35 U.S.C. 4,6103(a) over U.S. Patent 5,778,304 entitled *METHOD FOR PROVIDING COMMUNICATION SERVICES BASED ON GEOGRAPHIC LOCATION* to Grube et al. (Grube '304). This responsive amendment follows.

In response, Applicants amend independent claims 1, 2, 11-14. In amending the claims Applicants have not added new matter. Support in the originally filed specification for enablement bit being in memory within the electronic processing device is given in Figures 1 and 3 and on page 12, line 26 through page 13, line 10. Support in the originally filed specification for the periodic verification that the electronic processing device remains in the geographic location for which the application/function is enabled is given on page 14, line 8 through page 15, line 10. Claims 3 and 10 are cancelled. Claims 1, 2, 4-9, 11-14 remain in the application for examination.

The Rejection under 35 U.S.C. §102(b)

The Examiner rejected claims 1-7, 9-11, 14-16 under 35 U.S.C. §102(b) as anticipated under 35 U.S.C. §102(b) by Rangedahl '074. Rangedahl '074 teaches a verification and authorization system for electronic devices in which the monitored device communicates with a remote authorization device over a network. The monitored device is only enabled to operate after verification of monitored device geographical location and authorization of operation at that location. Rangedahl '074 was created to solve a specific problem - that of relocating one group of users occupying a band of frequencies to a new band of frequencies in order to allow a new group of users access to the previously occupied band. To prevent interference with user groups which have not yet relocated, however, new users are prevented from operating in certain geographical location. Authorization is done remotely and the geographical position

using the GPS, phone numbers, street addresses of the monitored device is communicated to the remote authorization device over a network.

The Examiner asserts that Rangedahl '074 teaches all the elements of the claimed invention. In response, Applicants amended the independent claims to particularly point out and distinctly claim two features not taught or suggested by Rangedahl '074. The first feature not taught by Rangedahl '074 is that the enablement bit is within the memory of the electronics processing device which authorizes a function/application to be enabled only within a specific geographic location. In other words, Applicants' device is **self-authorizing; and does not require remote authorization**, as taught by Rangedahl '074. The second claimed feature in the amended independent claims is that the geographic position of the electronic device is **periodically monitored while the function/application** is enabled to determine if the geographic position has changed and if so, if the function/application should be disabled resulting from the change.

To make the monitored device of Rangedahl '074 to be self-authorizing would destroy the function of Rangedahl '074. Indeed, the very purpose of Rangedahl '074 is to remotely permit or prohibit authorization by a larger entity that is aware of the user groups of a particular frequency in a particular area. There is no teaching in Rangedahl '074 that monitored device can be aware of whether other authorized user groups are in the same geographic location; that is a matter decided by the Unlicensed Transition and Management (UTAM) policies and procedures; not by a self-authorizing device, as claimed by Applicants.

Rangedahl '074 further does not suggest a need for monitoring whether the monitored device has moved from one geographic location to another. Once the device is powered up and is authorized for a particular frequency in a particular area, it remains authorized for eight hours. Rangedahl '074 does not explain the need for the eight-hour period and it is not apparent to Attorney for Applicants why the device is authorized for eight hours.

In summary, Rangedahl '074 does not teach a "self-authorizing" device having an enablement bit in memory of the electronic processing device; and second, Rangedahl '074 does not teach that the geographic location of the electronic processing device is periodically monitored to determine if an enabled function/application is still authorized in the geographic

area. Rangedahl '074 is solving a very different problem - one of a greater federal authority granting authorization in an area or whether prior users are still in the area. Applicants have taught a self-authorizing secure electronic device that is intended to be mobile. Applicants respectfully request the Examiner to withdraw the rejection of claims 1-2, 4-7, 11, 14-16 under 35 U.S.C. §102(b) and pass these claims to allowance.

The Rejection under 35 U.S.C. §103(a)

The Examiner rejected claims 8, 12-13 under 35 U.S.C. §103(a) as being obvious over Rangedahl '074 in view of Grube '304. The Examiner rejects these claims under Rangedahl '074 as above but admits that Rangedahl '074 does not teach assigning a priority to a first and second geographic region. The Examiner refers to Grube '304. Grube '304 teaches a communication system wherein a communication unit's location is communicated to a communication resource controller and if the communication unit is within a predetermined geographic region, then communication services, such as telephone interconnect, group calls, private calls, data transmissions, and graphic message transmissions, of the unit may be denied or restricted. Grube '304 is particularly concerned with the volume of communication, as in a hospital or library, or whether certain types of radio frequency transmission are prohibited.

Applicants have amended the independent claims and assert that one of ordinary skill in the art would not look to Grube '304 and Rangedahl '074 for security self-authorization of an electronics processing device, as claimed. Both Grube '304 and Rangedahl '074 teach authorization by a remote authority, i.e., the authorization device of Rangedahl '047 and the communication resource controller of Grube '304, and both Grube '304 and Rangedahl '074 are concerned with the external consequences of communications of the monitored device/communication unit, rather than with security of the electronics processing device itself. The purpose of both Rangedahl '074 and Grube '304 is to prevent unwanted transmission of wireless frequencies in a particular geographic region, where transmission of a frequency would interfere with other user groups. In both instances, a remote authorizing controller determines whether a particular frequency should be transmitted, not whether a

particular function/application should be enabled, within a particular geographic region and the priority of the region and/or function/application as claimed.

In view of the amendments and remarks, Applicants request the Examiner to reconsider the rejection of claims 8, 12-13 under 35 U.S.C. §103(a), and allow these claims.

Conclusion

Applicants respectfully assert that Rangedahl '074 does not teach an electronic device that periodically monitors itself for changes in its geographic location and then authorizes itself to enable a function/application of the electronic device, and then if enabled, should the application/function continue to be enabled, or has the device changed geographic locations. Grube '304 and Rangedahl '074, moreover, are both concerned with the prevention of electromagnetic frequency transmission in a particular area, rather than with the inherent security of the device itself. Applicants respectfully request the Examiner to withdraw the rejections under 35 U.S.C. §§102(b) and 103(a) under Rangedahl '074, and Rangedahl '074 and Grube '304, respectively, to allow the claims and pass the application to issuance. The Examiner is further invited to telephone the Attorney listed below if questions or points of clarification remain.

Respectfully submitted,

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